

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Criminal No. 08-343 (JNE/FLN)
ORDER

Floyd Spencer Williams (1),

Defendant.

In an Order and Report and Recommendation dated January 8, 2009, the Honorable Franklin L. Noel, United States Magistrate Judge, recommended that three of Defendant's motions be denied as moot and that Defendant's motion to suppress evidence obtained as a result of any illegal searches be denied. The magistrate judge also ordered that Defendant's motion to disclose the identity of all informants be denied and that Defendant's motion to produce informants for pretrial interviews be denied. Defendant raises two objections.

Defendant first objects to the denial of his motion to disclose the identity of all informants. The Court has reviewed the record. Based on that review, the Court overrules Defendant's objection because the magistrate judge's denial of Defendant's motion is neither clearly erroneous nor contrary to law. *See* 28 U.S.C. § 636(b)(1)(A) (2006); D. Minn. LR 72.2(a).

Defendant also objects to the recommended denial of his motion to suppress evidence obtained as a result of any illegal searches. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). The Court notes a mistake in the Report and Recommendation's recitation of Officer Garman's testimony. Officer Garman testified that a Chevy Blazer showed up at 1:30 p.m., not a Buick. The maroon Buick arrived at approximately 2:00 p.m., after the Blazer had been stopped. This misstatement of Officer Garman's testimony

does not affect the basic soundness of the magistrate judge's reasoning. Accordingly, based on a de novo review of the record, the Court adopts the Report and Recommendation. Therefore, IT

IS ORDERED THAT:

1. Defendant's objections [Docket No. 114] are OVERRULED.
2. Defendant's Motion to Suppress Evidence Obtained from Electronic Surveillance and Wiretapping [Docket No. 39] is DENIED AS MOOT.
3. Defendant's Motion to Suppress Statements [Docket No. 41] is DENIED AS MOOT.
4. Defendant's Motion to Suppress Any Identifications of Defendant [Docket No. 42] is DENIED AS MOOT.
5. Defendant's Motion to Suppress Any Evidence Obtained as a Result of Any Illegal Searches [Docket No. 43] is DENIED.

Dated: February 10, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge